IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 329 OF 2007

Shri Vijay Harishchandra Mangela ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. Prakash Naik, Advocate for the applicant.
Mrs. M.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 23RD FEBRUARY, 2007.

P.C.

. Heard Mr. Naik, learned Counsel for the applicant and Mrs. Mhatre, learned APP for the State. Perused the police papers. The applicant, who is accused No.1 in Crime No. I-38/2006 registered at Virar Police Station for the offences punishable under Sections 302,147, 148, 1249,342 Indian Penal Code seeks to be released on bail.

2. The prosecution case, in brief, is that on 10/2/2006 at about 10.00 P.M. some Pooja was arranged at the house of applicant and Homa was performed. At that time accused No.2 Anita Meher and two other girls, who were supposed to be possessed by some spirits, also

came there. At the same time, deceased Jostna, who was not feelling well also came for the Pooja. At that time accused No.2 Anita Meher, alleged asked Jotsna to jump into the fire of the Homa but she refused. Then accused No.2 asked present applicant to throw Jotsna in the fire and the present applicant allegedly pushed Jotsna in the fire, due to which she suffered burn injuries. Later on, she was taken to the hospital, where she died because of the burn injuries. In her F.I.R. lodged before the police, Jotsna had stated the above facts, which reveal that the present applicant had actually pushed her in the Fire resulting in burn injuries and her death.

3. Mr. Naik pointed out that one of the witnesses has stated before the police that accused No.2 Anita, had actually pushed Jotsna in the fire. However, taking into consideration the FIR lodged by the deceased herself and statements of other witnesses, the present applicant appears to be responsible for the death of Jotsna. Taking into consideration the role played by the present applicant, it will not be in the interest of justice to grant bail. If bail is granted, possibility cannot be ruled out that he may tamper with the

prosecution evidence. Mr. Naik contended that the applicant is in custody for last about a year but the trial has not commenced. The learned APP informs that the charge is already framed and there would be no difficulty in proceeding with the trial.

4. For the aforesaid reasons, the application stands rejected. However, the Additional Sessions Judge, Palghar is hereby directed to expedite the trial and dispose of the Sessions Case, as early as possible.

(J.H. BHATIA, J.)